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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re VICTOR R., a Person Coming
Under the Juvenile Court Law.

B267406

Los Angeles County
Super. Ct. No. TJ20135)

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County,
Catherine J. Pratt, Judge. Affirmed as amended.

Mary Bernstein, under appointment by the Court of Appeal, for
Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant
Attorney General, Lance E. Winters, Senior Assistant Attorney General,
Chung L. Mar and Paul S. Thies, Deputy Attorneys General, for Plaintiff and
Respondent.

After the juvenile court found that Victor R. had committed four felonies, the court declared him a ward of the court, placed his care, custody, and control under the supervision of the Probation Department, and imposed a series of probation conditions. We agree with Victor R. and the People that the minute order entered following the disposition hearing must be corrected to conform to the court's oral pronouncement. As modified, the juvenile court's order is affirmed.

FACTUAL AND PROCEDURAL BACKGROUND

The juvenile court found true allegations in a November 2014 petition filed by the District Attorney, pursuant to Welfare and Institutions Code section 602, that Victor R. had committed second degree robbery (Pen. Code, § 211), assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4)), and two attempted robberies (Pen. Code, §§ 211, 664). The court placed Victor R. under the care, custody, and control of the Probation Department, and it orally set forth a series of probation rules, including the instruction that Victor R. "must go to school every day, to every class. No tardies, no truancies, no getting kicked out."

DISCUSSION

Although the juvenile court had stated at the disposition hearing that Victor R. "must go to school every day, to every class," and that he must not be tardy, truant, or "kicked out" of school, a pre-printed portion of the resultant September 24, 2015 minute order required Victor R. not only to go to school every day and to be on time to each class, but also to "have good behavior in class" and to "receive satisfactory grades." Neither of these printed conditions had been ordered by the juvenile court at the hearing.

An oral pronouncement of judgment controls over the clerk's minute order. (*People v. Farell* (2002) 28 Cal.4th 381, 384, fn. 2.) Any discrepancy between the two is presumed to be clerical error in the minute order (*People v. Mesa* (1975) 14 Cal.3d 466, 471, superseded on other grounds as stated in *People v. Turner* (1998) 67 Cal.App.4th 1258, 1267-1268), which can be corrected at any time to reflect the court's oral pronouncement. (See *People v. Mitchell* (2001) 26 Cal.4th 181, 183, 185-188.) Accordingly, as

requested by both Victor R. and the People, we order the minute order of the September 24, 2015 disposition hearing corrected to conform with the court's oral pronouncement.

DISPOSITION

The juvenile court's minute order of September 24, 2015, is corrected to conform to its oral pronouncement of probation condition 9 by providing that Victor R. must attend school daily, must attend each class, must not be tardy or truant; and must not be "kicked out" of school. As modified, the order is affirmed.

ZELON, Acting P. J.

We concur:

SEGAL, J.

KEENY, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.